

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF WASHINGTON

UNITED STATES OF AMERICA,  
Plaintiff,

v.

MARCUS PRICE,  
Defendant.

No. CR-01-149-FVS

ORDER

The Court, being fully advised, now therefore,

**IT IS HEREBY ORDERED:**

1. Pursuant to the Defendant's oral request at the evidentiary hearing held in Spokane, Washington on October 27, 2005, the remaining claim from Defendant's Motion to Vacate, Set Aside or Correct Sentence, Pursuant to 28 U.S.C. § 2255, Ct. Rec. 36, is **STRICKEN**.

**IT IS SO ORDERED.** The District Court Executive is hereby directed to enter this Order, furnish copies to counsel and **CLOSE THE FILE**.

**DATED** this 1st day of November, 2005.

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s/ Fred Van Sickle  
Fred Van Sickle  
United States District Judge